

IOWA FINANCE AUTHORITY[265]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 17A.3(1)“b” and 16.5(1)“r,” the Iowa Finance Authority hereby amends Chapter 9, “Title Guaranty Division,” Iowa Administrative Code.

The purpose of this rule making is to make changes in rules governing administration of the Title Guaranty Division to simplify and better organize the Division by updating the rules; placing all definitions which apply to Chapter 9 in its entirety in rule 265—9.1(16); moving applications for title guaranties, audit procedures, and closing protection letter issuance under the operational control of the Title Guaranty Program; and deleting or consolidating repetitive information.

Notice of Intended Action was published in the Iowa Administrative Bulletin on November 4, 2009, as **ARC 8264B**. The Authority did not receive any public comment on the proposed amendments. The Authority made limited technical clarifications to the amendments published under Notice of Intended Action as follows:

The definition of “Certificate” in rule 265—9.1(16) has been modified and now reads as follows:

“‘*Certificate*’ means the division certificate to guarantee title, including any part or schedule thereof and any endorsements thereto.”

Paragraphs “c” and “d” of subrule 9.6(4) have been revised and now read as follows:

“c. *Issuing title guaranty.* Pursuant to a written contract with the division director, a participating abstractor may be authorized to issue a title guaranty commitment or certificate for the division when the participating attorney who prepares the opinion allows issuance by the participating abstractor. Written contractual approval by the division director for division issuance will be based upon the completion of a division request form by a participating abstractor and the attachment of all disclosures required by the division. A participating abstractor authorized to issue a title guaranty commitment or certificate must comply with the Code of Iowa, these rules, the manual, staff supplements, and any other written or oral instructions or requirements given by the division and in no other manner whatsoever. The rights of the participating abstractor under the preceding sentence are not exclusive and are subject to the rights of the authority, the division, and other field issuers of the division to issue commitments or certificates and are further subject to the right of the division to appoint other field issuers. A participating abstractor’s right to issue commitments and certificates is a privilege for the convenience of the division and may be terminated pursuant to the written contract with the division.

“d. *Authority of participating abstractor.* A participating abstractor is authorized to act as an agent of the division but only for the purposes and in the manner set forth in the abstractor’s participation agreement, the Code of Iowa, these rules, the manual, staff supplements, and any other written or oral instructions or requirements given by the division and in no other manner whatsoever. The authority of the participating abstractor under the preceding sentence is not exclusive and is subject to the rights of the authority, the division, and other participating abstractors, agents, or representatives of the division to transact the business of abstracting, which includes but is not limited to any manner of title search or review of titles to real estate, and is further subject to the right of the division to appoint other participating abstractors.”

The Iowa Finance Authority adopted these amendments on December 9, 2009.

These amendments are intended to implement Iowa Code sections 16.5(1)“r” and 16.91(5).

These amendments will become effective on February 17, 2010.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [amendments to Ch 9] is being omitted. With the exception of the changes noted above, these amendments are identical to those published under Notice as **ARC 8264B**, IAB 11/4/09.

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[For replacement pages for IAC, see IAC Supplement 1/13/10.]